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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition(S) No.5754/2007

Petitioner

1. Uttam Singh, age about 36 year, Assistant Teacher, s/o Shri Sant Ram Sahu, Govt. Middle School Bachedi, Block Berla, district Durg(CG)
2. Rati Kant Singh Chouhan, aged about 37 year, Assistant Teacher s/o Shri Ram Singh Chouhan Govt. Primary School kodwa Block Berla, District Durg(CG)
3. Rameshwar Lal Sahu, age about 37 year Asst. Teacher S/o Shri Ram Singh Chouhan Govt. Primary School Bhilori Block Berla, district Durg9CG)

Versus

RESPONDENTS

1. State Govt. of Chhattisgarh, through Secretary, Tribal Welfare Department & Education Department, D.K.S. Bhawan, District Raipur (C.G)
2. District Education officer, Bemetara District Durg (C.G)
3. Block Education officer Berla, District Durg(C.G)

Writ petition under Article 226 of the Constitution of India

Appearance:

Shri Somkant Verma, counsel for the Petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State/
respondents on advance copy

ORAL ORDER
(25.9.2007)

Sunil Kumar Sinha, J.

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed B.T.I. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated

24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}**. He submits that the case of the petitioners is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.T.I. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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